

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

STEPHANIE ANN PEREZ  
2350 Hyacinth Road  
Alpine, CA 91901

Registered Nursing License No. RN#675667

Respondent.

Case No. 2008-52

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 9, 2008.

It is so ORDERED May 8, 2008.

*LaTranene W Tate*

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FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

EDMUND G. BROWN JR., Attorney General  
of the State of California  
LINDA K. SCHNEIDER  
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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-52

STEPHANIE ANN PEREZ  
2350 Hyacinth Road  
Alpine, CA 91901

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

Registered Nursing License No. RN#675667

Respondent.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Board of Registered Nursing of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Antoinette B. Cincotta, Deputy Attorney General.

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2. Respondent Stephanie A. Perez (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about March 13, 2006, the Board of Registered Nursing issued Registered Nursing License No. 675667 to Stephanie A. Perez (Respondent). The registered nursing license was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-52 and will expire on November 30, 2009, unless renewed.

#### JURISDICTION

4. On or about August 17, 2007, Accusation No. 2008-52 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 4, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-52 is attached as Exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2008-52. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. 2008-52.

4 9. Respondent agrees that her Registered Nursing is subject to discipline and  
5 she agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as  
6 set forth in the Disciplinary Order below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Board of Registered  
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
10 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
11 and settlement, without notice to or participation by Respondent. By signing the stipulation,  
12 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
13 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
14 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
15 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
16 between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated  
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties  
22 agree that the Board may, without further notice or formal proceeding, issue and enter the  
23 following Disciplinary Order:

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IT IS HEREBY ORDERED that Registered Nursing License No. 675667 issued to Respondent Stephanie A. Perez (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

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1                   3.       **Report in Person.** Respondent, during the period of probation, shall  
2 appear in person at interviews/meetings as directed by the Board or its designated  
3 representatives.

4                   4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
5 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
6 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
7 of California. Respondent must provide written notice to the Board within 15 days of any change  
8 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
9 returning to practice in this state.

10                   Respondent shall provide a list of all states and territories where she has ever been  
11 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
12 provide information regarding the status of each license and any changes in such license status  
13 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
14 new nursing license during the term of probation.

15                   5.       **Submit Written Reports.** Respondent, during the period of probation,  
16 shall submit or cause to be submitted such written reports/declarations and verification of actions  
17 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
18 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
19 Program. Respondent shall immediately execute all release of information forms as may be  
20 required by the Board or its representatives.

21                   Respondent shall provide a copy of this Decision to the nursing regulatory agency  
22 in every state and territory in which she has a registered nurse license.

23                   6.       **Function as a Registered Nurse.** Respondent, during the period of  
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
25 hours per week for 6 consecutive months or as determined by the Board.

26                   For purposes of compliance with the section, "engage in the practice of registered  
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1           The Board may require that advanced practice nurses engage in advanced practice  
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
3 Board.

4           If Respondent has not complied with this condition during the probationary term,  
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
7 grant an extension of Respondent's probation period up to one year without further hearing in  
8 order to comply with this condition. During the one year extension, all original conditions of  
9 probation shall apply.

10           **7. Employment Approval and Reporting Requirements.** Respondent  
11 shall obtain prior approval from the Board before commencing or continuing any employment,  
12 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
13 performance evaluations and other employment related reports as a registered nurse upon request  
14 of the Board.

15           Respondent shall provide a copy of this Decision to her employer and immediate  
16 supervisors prior to commencement of any nursing or other health care related employment.

17           In addition to the above, Respondent shall notify the Board in writing within  
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
20 terminated or separated, regardless of cause, from any nursing, or other health care related  
21 employment with a full explanation of the circumstances surrounding the termination or  
22 separation.

23           **8. Supervision.** Respondent shall obtain prior approval from the Board  
24 regarding Respondent's level of supervision and/or collaboration before commencing or  
25 continuing any employment as a registered nurse, or education and training that includes patient  
26 care.

27           Respondent shall practice only under the direct supervision of a registered nurse  
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not  
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is  
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in  
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has  
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health  
12 care setting, the individual providing supervision and/or collaboration shall have person-to-  
13 person communication with Respondent as required by the Board each work day. Respondent  
14 shall maintain telephone or other telecommunication contact with the individual providing  
15 supervision and/or collaboration as required by the Board during each work day. The individual  
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's  
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
20 traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse  
22 unless the registered nursing supervision and other protections for home visits have been  
23 approved by the Board. Respondent shall not work in any other registered nursing occupation  
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered  
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

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Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,064.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to

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1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
2 take any other action deemed appropriate and reasonable under the circumstances, without  
3 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
4 will no longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and  
6 shall become a part of Respondent's license history with the Board. A registered nurse whose  
7 license has been surrendered may petition the Board for reinstatement no sooner than the  
8 following minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any  
10 reason other than a mental or physical illness; or

11 (2) One year for a license surrendered for a mental or physical illness.

12 13. **Physical Examination.** Within 45 days of the effective date of this  
13 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
14 physician assistant, who is approved by the Board before the assessment is performed, submit an  
15 assessment of the Respondent's physical condition and capability to perform the duties of a  
16 registered nurse, including a determination as set forth in Condition 15 below, "Rule-Out  
17 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to  
18 the Board. If medically determined, a recommended treatment program will be instituted and  
19 followed by the Respondent with the physician, nurse practitioner, or physician assistant  
20 providing written reports to the Board on forms provided by the Board.

21 If Respondent is determined to be unable to practice safely as a registered nurse,  
22 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
23 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
24 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
25 shall immediately cease practice and shall not resume practice until notified by the Board.  
26 During this period of suspension, Respondent shall not engage in any practice for which a license  
27 issued by the Board is required until the Board has notified Respondent that a medical

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1 determination permits Respondent to resume practice. This period of suspension will not apply  
2 to the reduction of this probationary time period.

3           If Respondent fails to have the above assessment submitted to the Board within  
4 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
5 practice until notified by the Board. This period of suspension will not apply to the reduction of  
6 this probationary time period. The Board may waive or postpone this suspension only if  
7 significant, documented evidence of mitigation is provided. Such evidence must establish good  
8 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
9 provided. Only one such waiver or extension may be permitted.

10           **14. Mental Health Examination.** Respondent shall, within 45 days of the  
11 effective date of this Decision, have a mental health examination including psychological testing  
12 as appropriate to determine her capability to perform the duties of a registered nurse, including a  
13 determination as set forth in Condition 15 below, "Rule-Out Substance Abuse Assessment." The  
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
15 practitioner approved by the Board. The examining mental health practitioner will submit a  
16 written report of that assessment and recommendations to the Board. All costs are the  
17 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
18 result of the mental health examination will be instituted and followed by Respondent.

19           If Respondent is determined to be unable to practice safely as a registered nurse,  
20 the licensed mental health care practitioner making this determination shall immediately notify  
21 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
23 practice and may not resume practice until notified by the Board. During this period of  
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
25 is required, until the Board has notified Respondent that a mental health determination permits  
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
27 probationary time period.

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1           If Respondent fails to have the above assessment submitted to the Board within  
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
3 practice until notified by the Board. This period of suspension will not apply to the reduction of  
4 this probationary time period. The Board may waive or postpone this suspension only if  
5 significant, documented evidence of mitigation is provided. Such evidence must establish good  
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
7 provided. Only one such waiver or extension may be permitted.

8           **15. Rule-Out Substance Abuse Assessment.** If the examiner conducting the  
9 physical and/or mental health examination determines that the respondent is dependent upon  
10 drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or  
11 alcohol dependence in remission) that might reasonably affect the safe practice of nursing, then  
12 the respondent must further comply with the following additional terms and conditions of  
13 probation.

14           **(A) Participate in Treatment/Rehabilitation Program for Chemical Dependence** -  
15 Respondent, at his/her expense, shall successfully complete during the probationary period or  
16 shall have successfully completed prior to commencement of probation a Board-approved  
17 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
18 submitted by the program on forms provided by the Board. If respondent has not completed a  
19 Board-approved treatment/rehabilitation program prior to commencement of probation,  
20 respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
21 If a program is not successfully completed within the first nine months of probation, the Board  
22 shall consider respondent in violation of probation.

23           Based on Board recommendation, each week respondent shall be required to  
24 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
25 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
26 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
27 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
28 such attendance to the Board during the entire period of probation. Respondent shall continue

1 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
2 mental health examiner and/or other ongoing recovery groups.

3 (B) Abstain from use of Psychotropic (Mood-Altering) Drugs - Respondent shall  
4 completely abstain from the possession, injection or consumption by any route of all  
5 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a  
6 health care professional legally authorized to do so as part of documented medical treatment.  
7 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the  
8 prescribing health professional, a report identifying the medication, dosage, the date the  
9 medication was prescribed, the respondent's prognosis, the date the medication will no longer be  
10 required, and the effect on the recovery plan, if appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or  
12 physician assistant who shall be aware of respondent's history of substance abuse and will  
13 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled  
14 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
15 assistant shall report to the Board on a quarterly basis respondent's compliance with this  
16 condition. If any substances considered addictive have been prescribed, the report shall identify a  
17 program for the time limited use of any such substances.

18 The Board may require the single coordinating physician, nurse practitioner, or  
19 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
20 addictive medicine.

21 (C) Submit to Tests and Samples - Respondent, at his/her expense, shall  
22 participate in a random, biological fluid testing or a drug screening program which the Board  
23 approves. The length of time and frequency will be subject to approval by the Board. The  
24 respondent is responsible for keeping the Board informed of respondent's current telephone  
25 number at all times. Respondent shall also ensure that messages may be left at the telephone  
26 number when he/she is not available and ensure that reports are submitted directly by the testing  
27 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to  
28 the Board by the program and the respondent shall be considered in violation of probation.

1 In addition, respondent, at any time during the period of probation, shall fully  
2 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
3 tests and samples as the Board or its representatives may require for the detection of alcohol,  
4 narcotics, hypnotics, dangerous drugs, or other controlled substances.

5 If respondent has a positive drug screen for any substance not legally authorized  
6 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
7 Board files a petition to revoke probation or an accusation, the Board may suspend respondent  
8 from practice pending the final decision on the petition to revoke probation or the accusation.

9 This period of suspension will not apply to the reduction of this probationary time period.

10 If respondent fails to participate in a random, biological fluid testing or drug screening program  
11 within the specified time frame, the respondent shall immediately cease practice and shall  
12 not resume practice until notified by the Board. After taking into account documented evidence  
13 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board  
14 may suspend respondent from practice pending the final decision on the petition to revoke  
15 probation or the accusation. This period of suspension will not apply to the reduction of this  
16 probationary time period.

17 (D) Therapy or Counseling Program - Respondent, at his/her expense, shall  
18 participate in an on-going counseling program until such time as the Board releases him/her from  
19 this requirement and only upon the recommendation of the counselor. Written progress reports  
20 from the counselor will be required at various intervals.

21 16. **Violation of Probation.** If Respondent violates the conditions of her  
22 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
23 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
24 license.

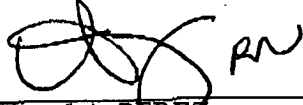
25 If during the period of probation, an accusation or petition to revoke probation has  
26 been filed against Respondent's license or the Attorney General's Office has been requested to  
27 prepare an accusation or petition to revoke probation against Respondent's license, the  
28 probationary period shall automatically be extended and shall not expire until the accusation or

1 petition has been acted upon by the Board.

2 ACCEPTANCE

3 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
4 understand the stipulation and the effect it will have on my Registered Nursing. I enter into this  
5 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
6 to be bound by the Decision and Order of the Board of Registered Nursing.

7 DATED: 2/29/08

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9 \_\_\_\_\_  
10 STEPHANIE A. PEREZ  
11 Respondent


12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
14 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
15 Affairs.

16  
17 DATED: 3/6/2008

18 EDMUND G. BROWN JR., Attorney General  
19 of the State of California

20 LINDA K. SCHNEIDER  
21 Supervising Deputy Attorney General

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23 \_\_\_\_\_  
24 ANTOINETTE B. CINCOTTA  
25 Deputy Attorney General  
26 Attorneys for Complainant

26 DOJ Matter ID: SD2007800955  
27 80210072.wpd  
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**Exhibit A**  
**Accusation No. 2008-52**



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA, State Bar No. 120482  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
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6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2095  
Facsimile: (619) 645-2061  
8  
9 Attorneys for Complainant

10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2008-52*

13 STEPHANIE ANN PEREZ  
14 2350 Hyacinth Road  
Alpine, CA 91901

**A C C U S A T I O N**

15 Registered Nursing License No. RN#675667

16 Respondent.  
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18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely  
21 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about March 13, 2006, the Board of Registered Nursing issued RN  
24 Number 675667 to Stephanie A. Perez (Respondent). The Registered Nursing license was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on November  
26 30, 2007, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

1            "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
2 'registration.'"

3            7.        Section 2761 of the Code states:

4            "The board may take disciplinary action against a certified or licensed nurse or  
5 deny an application for a certificate or license for any of the following:

6            " . . . .

7            "(f) Conviction of a felony or of any offense substantially related to the  
8 qualifications, functions, and duties of a registered nurse, in which event the record of the  
9 conviction shall be conclusive evidence thereof."

10           8.        Section 2762 of the Code states:

11           "In addition to other acts constituting unprofessional conduct within the meaning  
12 of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of  
13 the following:

14           " . . . .

15           "(b) Use any . . . alcoholic beverages, to an extent or in a manner dangerous or  
16 injurious to himself or herself, any other person, or the public or to the extent that such use  
17 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
18 license.

19           "(c) Be convicted of a criminal offense involving the . . . consumption, or self-  
20 administration of any of the substances described in subdivisions (a) and (b) of this section . . . .  
21 in which event the record of the conviction is conclusive evidence thereof."

22           9.        California Code of Regulations, title 16, section 1444, states:

23           "A conviction or act shall be considered to be substantially related to the  
24 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
25 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
26 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the  
27 following:

28        ///

1           “(a) Assaultive or abusive conduct including, but not limited to, those violations  
2 listed in subdivision (d) of Penal Code section 11160.”

3           “ . . . .”

4           10.     Penal Code section 11160(d) provides in relevant part:

5           “(d) For the purposes of this section, "assaultive or abusive conduct" shall include  
6 any of the following offenses:

7           “ . . . .

8           “(18) Abuse of spouse or cohabitant, in violation of [Penal Code] Section 273.5.”

9           11.     Penal Code section 273.5 provides in pertinent part:

10           “(a) Any person who willfully inflicts upon a person who is his or her spouse,  
11 former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal  
12 injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall  
13 be punished by imprisonment in the state prison for two, three, or four years, or in a county jail  
14 for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine  
15 and imprisonment.”

16           12.     Section 118 of the Code states:

17           “(a) The withdrawal of an application for a license after it has been filed with a  
18 board in the department shall not, unless the board has consented in writing to such withdrawal,  
19 deprive the board of its authority to institute or continue a proceeding against the applicant for  
20 the denial of the license upon any ground provided by law or to enter an order denying the license  
21 upon any such ground.

22           “(b) The suspension, expiration, or forfeiture by operation of law of a license  
23 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
24 board or by order of a court of law, or its surrender without the written consent of the board, shall  
25 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
26 board of its authority to institute or continue a disciplinary proceeding against the licensee upon  
27 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
28 taking disciplinary action against the licensee on any such ground.

1           “(c) As used in this section, ‘board’ includes an individual who is authorized by  
2 any provision of this code to issue, suspend, or revoke a license, and ‘license’ includes  
3 ‘certificate,’ ‘registration,’ and ‘permit.’”

4           13.     Section 482 of the Code states:

5           "Each board under the provisions of this code shall develop criteria to evaluate the  
6 rehabilitation of a person when:

7           "(a) Considering the denial of a license by the board under Section 480; or

8           "(b) Considering suspension or revocation of a license under Section 490.

9           "Each board shall take into account all competent evidence of rehabilitation  
10 furnished by the applicant or licensee."

11          14.     California Code of Regulations, title 16, section 1445 provides:

12           (a) When considering the denial of a license under Section 480 of the  
13 code, the board, in evaluating the rehabilitation of the applicant and his/her  
present eligibility for a license will consider the following criteria:

14           (1) The nature and severity of the act(s) or crime(s) under consideration as  
15 grounds for denial.

16           (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)  
under consideration as grounds for denial which also could be considered as  
17 grounds for denial under Section 480 of the code.

18           (3) The time that has elapsed since commission of the act(s) or crime(s)  
referred to in subdivision (1) or (2).

19           (4) The extent to which the applicant has complied with any terms of  
20 parole, probation, restitution, or any other sanctions lawfully imposed against the  
applicant.

21           (5) Evidence, if any, of rehabilitation submitted by the applicant.

22           (b) When considering the suspension or revocation of a license on the  
23 grounds that a registered nurse has been convicted of a crime, the board, in  
evaluating the rehabilitation of such person and his/her eligibility for a license will  
24 consider the following criteria:

25           (1) Nature and severity of the act(s) or offense(s).

26           (2) Total criminal record.

27           (3) The time that has elapsed since commission of the act(s) or offense(s).

28           (4) Whether the licensee has complied with any terms of parole, probation,  
restitution or any other sanctions lawfully imposed against the licensee.

1 (5) If applicable, evidence of expungement proceedings pursuant to  
2 Section 1203.4 of the Penal Code.

3 (6) Evidence, if any, of rehabilitation submitted by the licensee.

4 15. Section 125.3 of the Code provides, in pertinent part, that the Board may  
5 request the administrative law judge to direct a licensee found to have committed a violation or  
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
7 and enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(October 20, 2006 Criminal Conviction - Domestic Violence on August 25, 2006)**

10 16. Respondent is subject to disciplinary action under sections 490 and  
11 2761(f) in that she was convicted of a crime substantially related to the practice of nursing. The  
12 circumstances are as follows:

13 17. On or about October 20, 2006, in a case entitled *People vs. Stephanie Ann*  
14 *Perez*, Case No. C264162, San Diego Superior Court, East County Division, Respondent was  
15 convicted on a plea of guilty to one count of violation of Penal Code section 273.5 (domestic  
16 violence), a misdemeanor.

17 18. The facts underlying the conviction are that on or about August 25, 2006  
18 at approximately 3:43 a.m., Respondent broke into her former boyfriend's home and used two  
19 pieces of the broken door jam to assault him, including one piece of wood with two small nails  
20 protruding from it. San Diego police officers investigating the incident noticed abrasions and  
21 puncture wounds about Respondent's former boyfriend's arms, back and leg.

22 19. Respondent was granted summary probation for three years. She was  
23 ordered to pay a State Restitution Fund Fine of \$674.00, a Probation Revocation Restitution Fine  
24 of \$100, required to serve 15 days of Public Service Work, and complete a 52 week Domestic  
25 Violence Rehabilitation Program.

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1. Revoking or suspending RN Number 675667, issued to Stephanie A. Perez;

3. Taking such other and further action as deemed necessary and proper.

Elliot Hochberg for  
Ruth Ann Terry, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant